

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

WILBER G. MCMASTERS,

Plaintiff,

v. // CIVIL ACTION NO. 1:07CV75  
(Judge Keeley)

G. ROBERT ULLMAN, individually  
and as an employee of Brothers'  
Trucking Co., Inc., and  
BROTHERS' TRUCKING CO., INC.,

Defendants.

ORDER DENYING MOTION TO DISMISS AS MOOT

On June 11, 2007, then-defendants Owen McKinney, Edward H. Brothers, Jr, and Theresa I. Brothers filed a motion to dismiss (doc. no. 4). On July 11, 2007, the parties submitted a proposed joint order dismissing those defendants from the case and substituting Brother Trucking Co., Inc. as a defendant. This Court entered that order on July 12, 2007. Therefore, defendants' motion to dismiss (doc. no. 4) is **DENIED AS MOOT**.

The Clerk is directed to transmit copies of this Order to counsel of record.

DATED: September 27, 2007.

/s/ Irene M. Keeley  
IRENE M. KEELEY  
UNITED STATES DISTRICT JUDGE